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YELLOWCAKE, INC., COLONIZE MEDIA, INC., and JOSE DAVID
HERNANDEZ

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

YELLOWCAKE, INC., a California
corporation,

Plaintiff,

v.

HYPHY MUSIC, INC.,

Defendant.

Case No.:

1:20-cv-00988-DAD-BAM

**DECLARATION OF HECTOR
O. ROSALES IN SUPPORT OF**

PLAINTIFF AND

COUNTERDEFENDANTS'

MOTION TO DISMISS

DEFENDANT'S

COUNTERCLAIMS AND IN

**SUPPORT OF SUPPLEMENTAL
BRIEF**

Judge: Hon. Anthony W. Ishii

Date: August 10, 2021

Time: 9:30 A.M.

Courtroom: Courtroom 2, 8th Floor

1)
2 HYPHY MUSIC, INC.,)

3 Counterclaimant,)
4)

5 v.)
6)

7 YELLOWCAKE, INC., COLONIZE)
8 MEDIA, INC., JOSE DAVID)
9 HERNANDEZ, and JESUS CHAVES, SR.,)

10 Counterdefendants.)
11)

12 OMAR ROSALES, declares under penalty of perjury the following to be true
13 and correct pursuant to 28 U.S.C. § 1746:

14 1. I make this declaration in further support of Plaintiff/Counterclaim
15 Defendants' motion to dismiss Defendant/Counterclaim Plaintiff Hyphy Music, Inc's
16 ("Hyphy") counterclaims and in connection with Plaintiff/Counterclaim Defendants'
17 supplemental briefing.

18 2. I make this declaration from my own personal knowledge of the facts and
19 circumstances of this matter.

20 3. Hyphy's allegations regarding the co-authorship and ownership of three
21 albums by the band Los Originales de San Juan (the "Band") as works for hire are
22 completely untrue.

23 4. I have been a professional audio engineer for approximately 28 years.

24 5. Between September 2013 and sometime in 2015, I was engaged by Jesus
25 Chaves, Sr. ("Chavez") to act as audio engineer for the recording of a number albums
26 by the Band including: (i) Los Originales de San Juan- El Campesino (ii) Los
27 Originales de San Juan- Corridos de Poca M... and (iii) Los Originales de San Juan-
28 Amigos y Contrarios (the "Albums").

1 6. I was intimately involved in the recording process for all of the Albums
2 from the first day of recording through final mastering, which is the process of making
3 the sound recording as clear as possible and ready for distribution.

4 7. Contrary to Defendant's allegations, Jesus Chavez, Sr., ("Mr. Chavez")
5 was the sole producer of the Albums and no employee or anybody else affiliated with
6 Hyphy produced any songs on the Albums or provided any original creative material
7 input into the recording of the Albums.

8 8. Contrary to Defendant's misrepresentations, neither Javier Elizando nor
9 Marcelino Mendoza performed as a musician or vocalist on any of the Albums. Nor
10 did they cowrite any of the music, contribute any musical direction, provide any
11 arrangement services or otherwise provide any creative input or contribute any original
12 authorship to the Albums.

13 9. It is my opinion that Jesus Chavez, Sr. was the sole producer and author
14 of the sound recordings in the Albums.

15 10. At no time was I under the impression that anyone other than Mr. Chavez
16 was the sole producer and author of the sound recordings of the Albums.

17 11. I would also like to advise the Court that all of the Albums were recorded
18 digitally. As such, there is no one final physical master recording of any of the Albums
19 and an infinite number of copies can be reproduced from the final version of the
20 Albums that I recorded for the Band that were later distributed by Hyphy.

21 I declare under penalty of perjury under the laws of the United States that the
22 foregoing is true and correct.

23
24 Dated: AUGUST, 2021

25 HECTOR O. ROSALES
26 HECTOR O. ROSALES
27
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